

Remarks

The second nonfinal Office Action mailed August 9, 2005 rejected claims 1-3, 6, 8, 11 and 12, and objected to claims 4-5, 7 and 9-10.

The Applicant has hereinabove provided broadening and clarifying amendments to claims 1, 3-4, 6 and 8-9, and added new claims 13-17. These amendments are not provided for reasons substantially related to patentability or to otherwise get around the art of record.

Independent claim 1 has generally been amended to now feature "determining a head positioning profile for a first track in relation to a track profile for the first track and a track profile for a second track." Independent claim 6 has been generally amended to now feature "determining a head positioning profile for a first track in relation to zero acceleration path (ZAP) information for the first track in combination with ZAP information for a second track." Support for these amendments is found including in the original language of claims 1 and 6, in the specification at page 7, lines 9-11, and step 808 in FIG. 8. Dependent claims 3-4, 8-9 have been amended to better conform to amended claims 1 and 6.

The Applicant believes that these amendments are proper, do not introduce new matter or narrow the scope of the claimed subject matter, serve to better set forth the subject matter regarded as the invention by the Applicant, and place the application in proper condition for reconsideration and allowance.

**Rejection of Claims Under 35 U.S.C. §102(e)**

Claims 1-3, 6-8 and 11-12 were rejected as being anticipated by U.S. Patent No. 6,747,835 issued to AbouJaoude et al. ("AbouJaoude '835"). This rejection is respectfully traversed. For reference, the Applicant notes that the provisions of §103(c) apply so that AbouJaoude '835 is not available as a reference under §103(a).

AbouJaoude '835 fails to disclose "determining a head positioning profile for a first track in relation to a track profile for the first track and a track profile for a second track," as featured by independent claim 1. Contrary to the Examiner's assertions, AbouJaoude '835 merely accumulates PES values for a given track (n) and, in the background, calculates the ZAP for a previous track (n-1) at the same time.

Thus, the ZAP calculations for a given track are only based on the track profile for that track. See e.g., col. 4, lines 10-39 and FIG. 3 ("because the PES values are already known for track n-1, the ZAP calculations for track n-1 can be performed at Combination operation 158 during the PES revolutions for track n." – col. 4, lines 23-26).

Accordingly, AbouJaoude '835 fails to disclose the subject matter of claim 1, and reconsideration and withdrawal of the rejection of claim 1, and for the claims depending therefrom, are respectfully requested.

As AbouJaoude '835 is similarly deficient with regard to disclosing the subject matter of independent claims 6 and 11, reconsideration and withdrawal of the rejection of these claims, and for the claims respectively depending therefrom, are also respectfully requested.

**Allowable Subject Matter**

The Applicant gratefully acknowledges the indication of allowability of dependent claims 4-5, 7 and 9-10. These claims have not been written into independent form as the base claims from which these claims depend are believed patentable for the reasons set forth above.

**Newly Added Claims**

Pursuant to 37 CFR 1.111, newly added claims 13-17 are also believed to define subject matter that is patentable over the prior art on the basis that these claims depend from a patentable base claim.

New claims 13 and 15 generally feature “comparing the track profile for the first track to a predetermined threshold, and performing the determining step for the first track in relation to said comparison.” Support for this language is found including by the original language of claim 7, as well as by the operation of block 806 in FIG. 8.

New claims 14, 16-17 generally feature the recited tracks as being “disposed on a rotatable data storage medium.” This is supported including by FIGS. 5-7.

Upon allowance of these newly added dependent claims 13-17, the Applicant requests that the claims be renumbered to place claims 13-14 with independent claim 1 and to place claims 15-16 with independent claim 6.

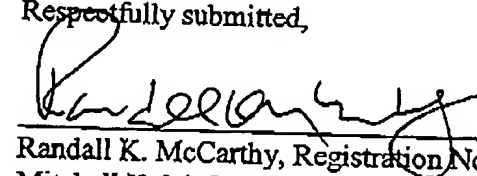
Conclusion

This is intended to be a complete response to the third nonfinal Office Action mailed August 9, 2005. The Applicant respectfully requests reconsideration and allowance of all of the claims pending in the application.

The Examiner is invited to contact the below signed Attorney should any questions arise concerning this response.

Respectfully submitted,

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